REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-87 are currently pending. Claims 1, 5, 23, 27, 44, 48, 66, and 70 have been amended by the present amendment. The changes made to the claims are supported by the originally filed specification and do not add new matter.

In the outstanding Office Action, the Information Disclosure Statement filed March 20, 2002, was objected to as failing to comply with 37 C.F.R. § 1.98(a)(2);[1] Claims 1-3, 6, 7, 23-25, 28, 29, 44-46, 49, 50, 66-68, 71, and 72 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,002,443 to Iggulden (hereinafter "the '443 patent");[2] Claim 17 was rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,999,689 to Iggulden (hereinafter "the '689 patent"); Claims 18-22, 40-43, 61-65, and 83-87 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the '443 patent in view of U.S. Patent No. 5,987,210 to Iggulden et al. (hereinafter "the '210 patent");[3] Claims 39, 60, and 82 were allowed; and Claims 4, 5, 8-16, 26, 27, 30-38, 47, 48, 51-59, 69, 70 and 73-81 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form.

Regarding the objection to the IDS, Applicants respectfully submit that the IDS filed March 20, 2002, which lists a related, pending application, satisfies 37 C.F.R. § 1.98(a)(2), since our filing receipt indicates that a copy of the pending application was submitted. Accordingly, the objection to the IDS is believed to have been overcome.

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[1] Applicants note that the Office Action indicates that the Information Disclosure Statement in question was filed on May 30, 2002. However, Applicants note that an Information Disclosure Statement was filed on March 20, 2002, and not on May 30, 2002.

[2] However, in a telephone discussion with Examiner Vu on February 2, 2004, the Examiner agreed that Claims 83-87 were incorrectly listed as rejected under 35 U.S.C. § 102, and should be rejected under 35 U.S.C. § 103.

[3] Applicants note that page 5 of the Office Action dated December 10, 2003, incorrectly rejects claims under 35 U.S.C. § 102(e) as being anticipated by a combination of two patents. However, in a telephone discussion with Examiner Vu on February 2, 2004, the Examiner agreed that the rejection should be under 35 U.S.C. § 103(a).

Amended Claim 1 is directed to an apparatus for processing a television signal, wherein the television signal comprises frames of programs and commercials, the apparatus comprising: (1) receiving means for receiving a television signal; (2) commercial candidate block detecting means for detecting a commercial candidate block comprising one or more commercial candidate sections in the television signal; (3) measuring means for measuring a length of the commercial candidate block; (4) judgment means for making a first judgment of whether the length of the commercial candidate block is within a predetermined range of an integral multiple of a standard length; and (5) determining means for determining whether the commercial candidate block is a commercial block according to the first judgment. Further, Claim 1 has been amended to incorporate some of the limitations recited in dependent Claim 5, namely, that the measuring means measures the length of an intermediate section between commercial candidate sections, and that the judgment means makes a second judgment of whether the length of the intermediate section is within an intermediate section length range. The changes to Claim 1 are supported by the originally filed specification and do not add new matter.

Applicants respectfully submit that the rejection of Claim 1 is rendered moot by the present amendment to that claim. Further, Applicants note that Claim 1 has been amended to incorporate limitations recited in Claim 5, which was indicated as allowable.

The '443 patent is directed to a method and apparatus for automatically identifying and selectively altering segments of a television broadcast signal in real time. As shown in Figure 8, the '443 patent discloses the detection of an event marker within a broadcast signal, the reading of a signature corresponding to a current segment from the broadcast signal, and the comparison of the signature with pre-stored signatures in a database. Further, the '443 patent discloses that if a signature match is not made, but the current segment is identified as a commercial advertisement based on its length, a signature corresponding to the commercial

advertisement is computed and stored in the database so that the commercial advertisement may be identified in the future. However, Applicants respectfully submit that the '443 patent fails to disclose *measuring means for measuring the length of an intermediate section between commercial candidate sections*, and *judgment means for making a second judgment of whether the length of the intermediate section is within an intermediate section length range*, as recited in amended Claim 1. Accordingly, Applicants respectfully traverse the rejection of Claim 1 (and dependent Claims 2, 3, 6, and 7) as anticipated by the '443 patent.

Independent Claims 23, 44, and 66 recite limitations analogous to the limitations recited in Claim 1. Moreover, Claims 23, 44, and 66 have been amended in a manner analogous to the amendment to Claim 1. Accordingly, for the reasons stated above for the patentability of Claim 1, Applicants respectfully submit that the rejection of Claim 23 (and dependent Claims 24, 25, 28, and 29), Claim 44 (and dependent Claims 45, 46, 49, and 50), and Claim 66 (and dependent Claims 67, 68, 71, and 72) are rendered moot by the present amendment to independent Claims 23, 44, and 66.

Claim 17 is directed to an apparatus for processing a television signal, comprising: (1) signal receiving means for receiving a television signal; (2) commercial candidate section detecting means for detecting a commercial candidate section in the television signal; (3) a first measuring means for measuring a length of the commercial candidate section; (4) a first judgment means for making a first judgment of whether the length of the commercial candidate section is within a first predetermined range of an integral multiple of a standard length; (5) a second measuring means for measuring the length of an intermediate section between commercial candidate sections; (6) a second judgment means for making a second judgment of whether the length of the intermediate section is within a second predetermined range; and (7) commercial block determining means for determining a commercial block of

one or more commercial candidate sections according to the first judgment and the second judgment.

Regarding the rejection of Claim 17 as anticipated by the '689 patent, the '689 patent is directed to a method and apparatus for controlling a videotape recorder in real-time to automatically identify and selectively skip segments of a television broadcast signal during recording of the television signal. As shown in Figure 2, the '689 patent is directed to identifying the commercial advertisement segments 118, 120, and 122. However, Applicants respectfully submit that the '689 patent fails to disclose (1) a second measuring means for measuring the length of an intermediate section between commercial candidate sections; and (2) a second judgment means for making a second judgment of whether the length of an intermediate section is within a second predetermined range. Accordingly, Applicants also submit that the '689 patent fails to disclose the commercial block determining means recited in Claim 17, which relies on the result of the second judgment means. Thus, Applicants respectfully traverse the rejection of Claim 17 as anticipated by the '689 patent. In particular, Applicants note that, although the '689 patent discloses identifying commercial advertisement segments, the '689 patent is silent regarding intermediate sections. Further, Applicants note that the Office Action fails to identify with particularity how the '689 patent discloses the second judgment means and the commercial block determining means recite in Claim 17.[4] Further, Applicants note that Claim 17 recites limitations analogous to the limitations recited in Claim 39, which was indicated as allowable.

Claim 18 is directed to an apparatus for processing a television signal, comprising: (1) signal receiving means for receiving a television signal; (2) commercial extracting means for extracting a commercial based on a reference criterion indicative of a commercial characteristic; (3) alteration detecting means for detecting an alteration of the commercial

[4] In fact, those limitations are not listed in the rejection of Claim 17 in the Office Action dated December 10, 2003.

characteristic; and (4) changing means for changing the reference criteria according to the alteration of the commercial characteristics detected by the alteration detecting means.

Regarding the rejection of Claim 18, the Office Action asserts that the '443 patent discloses everything in Claim 18 with the exception of changing means for changing the reference criteria according to the alteration of the commercial characteristic detected by the alteration detecting means, and relies on the '210 patent to remedy that deficiency.[5]

As discussed above, the '443 patent is directed to a method for automatically identifying commercials in a television broadcast signal in real-time. However, Applicants respectfully submit that the '443 patent fails to disclose (1) alteration detecting means for detecting an alteration of a commercial characteristic; and (2) changing means for changing the reference criteria according to the alteration of the commercial characteristic detected by the alteration detecting means. In particular, Applicants note that element 110, shown in Figure 1 in the '443 patent, is used to detect an event marker, which may be indicative of a commercial section. However, Applicants submit that the '443 patent fails to disclose that the detector 110 detects an alteration of a commercial characteristic.

The '210 patent is directed to a method and apparatus for eliminating television commercial messages. However, Applicants respectfully submit that the '210 patent fails to disclose (1) alteration detecting means for detecting an alteration of a commercial characteristic; and (2) changing means for changing the reference criteria according to the alteration of the commercial characteristic detected by the alteration detecting means. In particular, Applicants note that the passage referred to in the Office Action (column 8, lines 15-33) is merely directed to the detection of a scene change in a broadcast signal. Applicants respectfully submit that the '210 patent merely discloses the use of a particular reference

[5] Applicants note that, in the rejection under 35 U.S.C. § 103, page 5 of the Office Action refers to the '689 patent in the body of the rejection, although the '443 patent is listed at the beginning of item 7 of the Office Action.

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criteria indicative of a commercial characteristic for detecting a commercial, but does not disclose changing means for changing the reference criteria according to an alteration of a commercial characteristic detected by the alteration detecting means, as recited in Claim 18.

Thus, no matter how the teachings of the '443 and '210 patents are combined, the combination does not teach or suggest the alteration detecting means or the changing means recited in Claim 18. Accordingly, Applicants respectfully submit that a *prima facie* case of obviousness has not been established and that the rejection of Claim 18 (and dependent Claims 19-22) should be withdrawn.

Independent Claims 40, 61, and 83 recite limitations analogous to the limitations recited in Claim 18. Accordingly, for the reasons stated above for the patentability of Claim 18, Applicants respectfully submit that a *prima facie* case of obviousness has not been established and that the rejection of Claim 40 (and dependent Claims 41-43), Claim 61 (and dependent Claims 62-65), and Claim 83 (and dependent Claims 84-87) should be withdrawn.

Thus, it is respectfully submitted that independent Claims 1, 17, 18, 23, 39, 40, 44, 60, 61, 66, 82, and 83 (and all associated dependent claims) patentably define over any proper combination of the '443, '689, and '210 patents.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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